

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re:	Application of:	Rhodes et al.
	Serial No.:	10/671,234
	Filed:	September 25, 2003
	For:	Ethernet-Based Fire System Network
	Group Art Unit:	2446
	Confirmation No.:	8197
	Examiner:	Benjamin R. Bruckart
	Our Docket No.:	2003P14811US (1867-0039)

**REPLY BRIEF**

Mail Stop Appeal Brief  
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This is a Reply Brief filed in response to the Examiner's Answer mailed on July 20, 2010.

I. General Comments

This Reply is provided in response to the Examiner's Answer mailed July 20, 2010 ("Answer"). All arguments within the Appellants Appeal Brief filed July 10, 2010 ("Appeal Brief") are maintained and incorporated herein.

II. The Examiner's Answer Remains Unclear as to Where the  
Proposed Combination Includes a Second Network as Claimed

Claim 1 recites, among other things, "a second network including at least one second computer workstation", and "an isolating router coupling said first network to said second network." In the Appeal Brief, the Appellant has argued that the security server of Prokupets does not couple a first network to a second network. Accordingly, even if the security server were replaced by a router, the new router would not "couple said first network to said second network." (Appeal Brief at p.11, lines 11-18 and lines 22-23). In response, the Examiner's Answer states that the "examiner does not rely on Prokupets to teach a second network, this is what Asano is produced for (see arguments above)." (Answer at p.14).

However, this statement in the Examiner's Answer appears to be inconsistent with the rejection of claim 1 within the Examiner's Answer and elsewhere. In particular, the Examiner provided the following proposed modification of Prokupets to allegedly arrive at the invention of claim 1:

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Prokupets to include an isolating router that processes packets as taught by Asano in order to selectively enable communication between different networks (Asano: col. 4, lines 25-33).

(Answer at p.5; see also Final Office Action at p.3). Nothing in the above-quoted proposed modification of Prokupets does the Examiner mention that one would modify Prokupets to introduce a second network as taught by Asano. Moreover, the above-quoted paragraph actually presupposes that Prokupets already has a second (i.e. "different") network. In particular, the Examiner's Answer alleges that one of ordinary skill in the art would include an isolating router

as taught by Asano “...in order to selectively enable communication between different networks.” (*Id.*) However, if Prokupets does not have a second network, then there are no “different networks” between which to selectively enable communication. Thus, it certainly is not clear from the original rejection that the Examiner is alleging that one would modify Prokupets to employ a second network.

Moreover, the Examiner’s Answer later alleges that Prokupets *does* teach a second network as claimed. In particular, the Examiner states the following:

While Prokupets does not explicitly teach a second network, the examiner asserts that based on the definition presented above from the Microsoft Press Computer Dictionary, the communications between the output device and the security server and ‘alarm monitoring client systems’ by way of the output devices 16 constitutes a second network, “alarm monitoring client systems ... receive messages by email, pager or personal digital assistant”.... Page 4, para 37 of Prokupets also shows another device that contains the HR database that is coupled with the security server. The communication between these two devices *also constitutes a second network* as described in the definition above. *This meets the claim limitations because the first and second networks are merely defined by their inclusion of devices and not by type, function or features.*

(Answer at p.13) (emphasis added). In other words, the Examiner in these passages alleges that the communication between the security server 12 and the HR database 26 *does* constitute a “second network”, contrary to the direct admission that “The examiner does not rely on Prokupets to teach a second network, this is what Asano is produced for (see arguments above)”.

I. No Reason Given to Modify Prokupets to Include a Second Network

If the statement that “the examiner does not rely on Prokupets to teach a second network” is to be taken at face value, then the rejection is in clear error because the Examiner fails to provide a reason, motivation or suggest to modify Prokupets to include a second network, as claimed. In particular, the claimed second network includes a second computer workstation. The Examiner has alleged that the Alarm Monitoring Client 24 constitutes the second computer workstation. (Examiner’s Answer at p.4).

Accordingly, the Examiner must identify a clearly articulated reason to move the Alarm Monitoring Client 24 from the network 20 to another (different or second) network. The Examiner has not alleged any such reason. Instead, the Examiner only alleges a reason for replacing the security server 12 with an isolating router as claimed. (See Examiner's Answer at pp.4 and 15). Moreover, the alleged reason to include an isolating router is to "selectively enable communication between different networks". *Id.* at p.4. Thus, the Examiner only provides a reason to place an isolating router between different networks. The Examiner does not provide a reason for splitting a single network into different networks, and *then* employing the isolating router between the two networks.

Because the Examiner has admitted that Prokupets does not teach the second network as claimed, and because the Examiner has not provided a clearly articulated reason for including a second network as claimed (i.e. one including the Alarm Monitoring Client 24), the Examiner's rejection of claim 1 over Prokupets and Asano is in clear error.

II. The Examiner's Reasoning for Adding the Isolating Router is Insufficient On page 15, the Examiner provided further rationale for replacing the security server 12 with an isolating router. In the Appeal Brief, applicants have argued that one of the main purposes of the security server 12 is to process alarm data packets. (See Appeal Brief at p.7, lines 7-23, citing multiple passages of Prokupets). The security server 12 does not function as a network router or IP router. Moreover, the security server 12 is a device that has an interface *to* the network 20, and does not serve as a hub, gateway or connection *between* different networks. (*Id.* at p.11, lines 3-6). Accordingly, Appellants have argued that one would not replace the security server 12 with a router as claimed. (*Id.* at p.11, lines 18-23 and p.13, lines 1-8).

In response, the Examiner provides four additional rationale for replacing the security server 12 of Prokupets, which is sitting as a node on the network 20, with a router that isolates portions of the network 20 from each other. (See Answer at p.15).

The first rationale provided in the Examiner's Answer is "that it yields predictable results". The Examiner alleges that the "we are combining the prior art elements of isolating traffic by a router between networks with the network architecture of Prokupet's security server that routes events and commands (traffic) to critical devices." The Examiner, however, has not

identified any predictable results. (*Id.*) Indeed, the only predictable results identified in the record are those cited by Appellant: that replacement of the security server computer of Prokupets with a router would eliminate most of the useful functions of the security server 12. (Appeal Brief at p.13).

The second rationale provided in the Examiner's Answer is "simple substitution". However, it is respectfully submitted that replacing a server computer (security server 12) with a router is not a simple substitution. A router is a type of hardware connection between networks. A server is a device that provides software application services to clients. They perform different functions. Replacing (or enhancing) the security server 12 with a router (and consequently dividing up the network 20) does not constitute a "simple substitution".

The third rationale provided in the Examiner's Answer is "use of a known technique to improve similar devices". However, Asano does not teach anything similar to the security server 12, and therefore nothing in the prior art record teaches that it is a known technique to replace a server computer with a router.

The fourth rationale provided in the Examiner's Answer is using a known technique to achieve predictable results. This is really a restatement of two of the rationales discussed above.

Because the Examiner's Answer does not set forth a legally sufficient reason to modify Prokupets to replace or enhance the security server 12 with an isolating router as claimed, it is respectfully submitted that there is clear error in the rejection of claim 1 over Prokupets and Asano. For this reason, as well as those given in the Appeal Brief, this Board is requested to reverse the obviousness rejection of claim 1.

### III. The Examiner has Changed the Rejection of Claim 14

In the rejection of claim 14, the Examiner has repeatedly alleged that page 3, paragraph 24 of Prokupets teaches the claimed "first plurality of workstations". (Answer at p.5; Final Office Action at p.4). In the Appeal Brief, the Appellants have argued that paragraph 24 of Prokupets does not, in fact, teach "a first plurality of workstations".

However, the Examiner's Answer now appears to allege that the "alarm monitoring client systems" are the claimed "first plurality of workstations", as well as other devices of Fig. 1.

None of these devices are mentioned in paragraph 24 of Prokupets. Moreover, the Examiner has not alleged how these other devices satisfy the other limitations of claim 1 with respect to the “first plurality of workstations”.

If the Examiner has changed the allegation identifying the elements of Prokupets constitute the first plurality of workstations, then the Examiner should recite how those elements interact with other elements to satisfy claim 14. For example, the Examiner has not provided any allegation of why someone would institute an “IP router” (with disabling properties as claimed) between the alarm monitoring client 24 of Prokupets (i.e. the first plurality of workstations on a first network) and either the client 30 or HR database 26 (i.e. the second plurality of workstations on a second network).

Accordingly, the modification of the rejection of claim 14 does not cure the deficiencies of the original rejection of claim 14. For this reason, as well as those set forth in the Appeal Brief, the Board is requested to reverse the obviousness rejection of claim 14.

#### IV. CONCLUSION

For all of the foregoing reasons, as well as those set forth in the Appeal Brief, claims 1-20 are not unpatentable. As a consequence, the Board of Appeals is respectfully requested to reverse the rejection of these claims.

Respectfully submitted,

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